

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

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Clerk, U.S. District and
Bankruptcy Courts

JAMES ANTHONY MILLER,

Plaintiff,

v.

LIBRARY OF CONGRESS,

Defendant.

Civil Action No.: 1:18-cv-02144 (UNA)

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint ("Compl.") and application for leave to proceed *in forma pauperis* ("IFP"). The Court will grant the IFP application and dismiss the case for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" if it determines that the subject matter jurisdiction is wanting).

Plaintiff, a resident of Washington, D.C., sues the Library of Congress. Compl. at caption. Plaintiff alleges that he "received copyright protection for his songs in the 1990s and provided a book of his songs" to defendant. *Id.* at 1. He alleges that defendant "lost his book of songs" in 1993, but then states, upon his information and belief, that defendant allegedly stole the book and "allowed it to be used by others to violate his copyright" without his consent. *Id.* He requests damages in the amount of one hundred million dollars. *Id.*

"Whenever the copyright in any work protected under the copyright laws of the United States shall be infringed by the United States by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm, or corporation acting for the Government and with the authorization or consent of the Government, the exclusive remedy of the

owner of such copyright shall be by action against the United States in the Court of Claims.” 28 U.S.C. § 1498(b). The Library of Congress constitutes a federal agency. *See Hickman v. Library of Congress*, 74 F. Supp. 3d 329, 331 (D.D.C. 2014) (citing *Keeffe v. Library*, 777 F.2d 1573, 1574 (D.C. Cir. 1985)). Therefore, the U.S. Court of Federal Claims has exclusive jurisdiction over plaintiff’s claims.

Therefore, this case will be dismissed for want of subject matter jurisdiction. A separate Order accompanies this Memorandum Opinion.

Date: October 16, 2018


United States District Judge